

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SHARMAINE MALLET, ET AL

CIVIL ACTION

VERSUS

CASE NO. 6:19-CV-00427

JUDGE SUMMERHAYS

JASON GEANS, ET AL

MAG. JUDGE HANNA

PLAINTIFF'S SECOND AMENDED COMPLAINT

NOW INTO COURT, through undersigned counsel, comes Plaintiff, KATELAND ANDERSON, ON BEHALF OF HER MINOR SON, Nathaniel McCoy, Jr., who respectfully wishes to amend the original petition filed in the 15th Judicial District Court for the Parish of Lafayette, State of Louisiana and subsequently removed to the United States District Court for the Western District of Louisiana upon suggesting as follows:

1.

Through the course of discovery, undersigned counsel has learned that Officer Derek VanAsselburg was the officer that was involved in the incident surrounding this lawsuit, specifically Officer VanAsselburg was said to have had physical contact with the decedent.

2.

The Plaintiff wishes to amend her previously filed complaint and initial complaint in accordance with the federal rules and deadlines. The deadline to amend the complaint(s) have not yet passed, therefore the Plaintiff is in compliance with all federal rules of procedure.

3.

Plaintiff, KATELAND ANDERSON, ON BEHALF OF HER MINOR SON NATHANIEL MCCOY, wishes to adopt and reiterate all of her previous allegations set forth within both her original complaint and first amended complaint. Both previous complaints were filed within the 15th Judicial District Court located in Lafayette Parish within the State of Louisiana.

4.

The Defendants in this matter do not oppose the Plaintiff(s) filing this amended complaint to additionally name another officer.

5.

Plaintiff wishes to amend the following paragraphs from her Petition for Damages:

II.

Plaintiff supplements and amends Paragraph 1 of the Petition for Damages to add the following:

Made Defendants herein are:

OFFICER DEREK VANASSELBERG, individually and in his official capacity as the employee of Carencro Police Department, who can be serve at the place of employment, Carencro Police Department, 110 Centennial drive, Carencro, Louisiana 70520.

III.

Plaintiff adds Paragraphs to the First Amended Petition for Damages to read as follows:

8a.

At all times material hereto, Defendant, Officer Derek Vanasselberg in his individual capacities was employed and acting in the course and scope of their employment with the Town of Carencro and he is liable for the wrongful death of Nathaniel McCoy, Sr.

9a.

The above was a direct result of the negligence of defendant, Officer Derek Vanasselberg, in the following non-exclusive, particulars:

- a) Excessive force; and
- b) Battery

11a.

The accident described herein above was caused due to the fault and/or negligence of defendant, Officer Derek Vanasselberg, in his individual capacities and/or as duly commissioned law enforcement officers for the Town of Carencro, and the Town of Carencro in connection with the wrongful death of Nathaniel McCoy, Sr.

Respectfully submitted:

L. CLAYTON BURGESS, A P.L.C.

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s/L. Clayton Burgess

L. CLAYTON BURGESS (22979)

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was electronically filed with the Clerk of Court and all parties through counsel of record using the CM/ECF system. I also certify that a copy of the foregoing will be sent to all non-CM/ECF participants by United States Mail, properly addressed and postage prepaid.

Lafayette, Louisiana, this 18th day of November, 2020.

S/ L. Clayton Burgess
L. CLAYTON BURGESS